

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

| | | |
|------------------------------|---|-------------------|
| SHELLEY M. FERNEAU, formerly |) | 4:06CV3300 |
| known as SHELLEY M. PINO, |) | |
| |) | |
| Plaintiff, |) | MEMORANDUM |
| v. |) | AND ORDER |
| |) | |
| PAPPAS TELECASTING OF |) | |
| CENTRAL NEBRASKA/ |) | |
| PAPPAS TELECASTING OF |) | |
| NEBRASKA, INC., |) | |
| |) | |
| Defendant. |) | |

The plaintiff, Shelley M. Ferneau, formerly known as Shelley M. Pino (“Ferneau”), alleges that her employment as a sales executive for the defendant, Pappas Telecasting of Central Nebraska/Pappas Telecasting of Nebraska, Inc. (“Pappas”), was terminated, or, alternatively, that she was constructively discharged, because she was on maternity leave from September 28, 2004, until December 20, 2004. Ferneau alleges that she became a part-time employee on September 18, 2004, but that Pappas insisted she return to full-time employment following her maternity leave. Pappas denies that Ferneau was a part-time employee and asserts that she quit her job because she was not allowed to work from home. Ferneau claims that Pappas violated: (1) the Family and Medical Leave Act, [29 U.S.C. § 2614\(a\)](#); (2) Title VII of the Civil Rights Act of 1964, as amended by the Pregnancy Discrimination Act of 1978, [42 U.S.C. §§ 2000e\(k\)](#) and [2000e-2\(a\)](#); and (3) the Nebraska Fair Employment Practice Act, [Neb. Rev. Stat. §§ 48-1102\(13\)](#) and [48-1104](#).

Pappas has moved for summary judgment on all claims. After careful consideration of the parties’ briefs and affidavits, and viewing the evidence in the

light most favorable to the nonmoving party, I find that the motion should be denied because there are genuine issues of material fact.¹

Accordingly,

IT IS ORDERED that the defendant's motion for summary judgment ([filing 70](#)) is denied.

August 5, 2008.

BY THE COURT:

s/ Richard G. Kopf
United States District Judge

¹In an effort to resolve this matter expeditiously, I have elected not to discuss my findings in detail. See [Civil Justice Delay and Expense Reduction Plan](#), ¶ 12 (U.S.Dist.Ct., D.Neb., Nov. 1993) (“When motions for summary judgment are considered by a district judge and are denied on the ground that a genuine issue of material fact exists for trial, the court will issue a short opinion so stating, rather than a lengthy opinion canvassing the materials on file in support of or opposition to the motion.”).